

01  
02  
03  
04  
05                   UNITED STATES DISTRICT COURT  
06                   WESTERN DISTRICT OF WASHINGTON  
07                   AT SEATTLE

08           UNITED STATES OF AMERICA,                 ) CASE NO. MJ 09-524  
09   )  
10           Plaintiff,                                     )  
11   )  
12           v.   ) DETENTION ORDER  
13   )  
14           OSMAN ABSHIR ABDI,                         )  
15   )  
16           Defendant.                                     )  
17   )  
18   )  
19   )

20   Offense charged:      Unlawful Possession of a Firearm by a Convicted Felon

21   Date of Detention Hearing:   October 21, 2009.

22   The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
23 based upon the factual findings and statement of reasons for detention hereafter set forth,  
24 finds that no condition or combination of conditions which defendant can meet will  
25 reasonably assure the appearance of defendant as required and the safety of other persons and  
26 the community.

27   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

28           1.           The Complaint indicates defendant possessed an assault rifle, fitted with a  
29 bayonet, concealed beneath his bed. Officers conducting the search also found over 100

01 grams of crack cocaine in his apartment. The U.S. Attorney alleges defendant is a member of  
02 the Crips gang. All of this supports a finding that he presents a danger to other persons and  
03 the community.

04 2. Defendant uses controlled substances. The precise extent and nature of his use  
05 is not known. His cousin reports that defendant drinks five alcoholic drinks on a daily basis.

06 3. He is a citizen of Somalia. The U.S. Attorney asserts there is a possibility an  
07 immigration detainer might be lodged against him. While defendant has family in San Diego,  
08 he has no family in this district, other than a man he describes as a tribal cousin.

09 4. He asserts he has not worked since arriving in this area in 2004. His cousin  
10 says he had temporary employment until laid off two months ago. In any event, there is no  
11 evidence he currently has any employment.

12 5. His criminal record includes three convictions for possession of controlled  
13 substances, and one conviction for making a false statement to a public servant.

14 6. Defendant and his cousin provided conflicting information to the Pretrial  
15 Services Officer.

16 7. There does not appear to be any condition or combination of conditions that  
17 will reasonably assure the defendant's appearance at future Court hearings while addressing  
18 the danger to other persons or the community.

19 It is therefore ORDERED:

20 1. Defendant shall be detained pending trial and committed to the custody of the  
21 Attorney General for confinement in a correction facility separate, to the extent  
22 practicable, from persons awaiting or serving sentences or being held in custody

- 01 pending appeal;
- 02 2. Defendant shall be afforded reasonable opportunity for private consultation with
- 03 counsel;
- 04 3. On order of the United States or on request of an attorney for the Government, the
- 05 person in charge of the corrections facility in which defendant is confined shall deliver
- 06 the defendant to a United States Marshal for the purpose of an appearance in
- 07 connection with a court proceeding; and
- 08 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
- 09 for the defendant, to the United States Marshal, and to the United State Pretrial
- 10 Services Officer.

11 DATED this 21st day of October, 2009.

12 s/ John L. Weinberg  
13 United States Magistrate Judge